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IN THE

Supreme Court of the United States

DOUGLAS SPECTOR, *et al.*,
Petitioners,

v.

NORWEGIAN CRUISE LINE LTD.,
Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

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BRIEF OF *AMICI CURIAE*, NINE ASSOCIATIONS REPRESENTING PERSONS WITH DISABILITIES, IN SUPPORT OF PETITIONERS

(Amici Listed in Appendix)

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BRIEF OF *AMICI CURIAE*, NINE ASSOCIATIONS REPRESENTING PERSONS WITH DISABILITIES, IN SUPPORT OF PETITIONERS

INTEREST OF THE *AMICI CURIAE*

Amici curiae are nine associations of people with disabilities, public interest groups, and other organizations that advocate for the rights of people with disabilities, including AARP, American Diabetes Association, Alexander Graham Bell Association for the Deaf and Hard of Hearing, Association on Higher Education And Disability, Judge David L. Bazelon Center for Mental Health Law, Depression and Bipolar Support Alliance, Disability Rights Education and Defense Fund, Inc., National Association of Councils on Developmental Disabilities, and the National Association of the Deaf. These organizations, the interests of which are described in greater detail in the Appendix, wish to ensure that the Court is fully apprised that the cruise line industry

has substantial and continuous contacts with the United States, and wish to ensure that Title III of the Americans With Disabilities Act ("ADA") is applied to cruise lines and their foreign-flag ships that do business in the United States.*

SUMMARY OF ARGUMENT

The decision of the United States Court of Appeals for the Fifth Circuit in this case would erect erroneously a barrier against application of Title III of the ADA[1] to cruises by Americans on foreign-flagged cruise ships present in the U.S. It would stand for the proposition that by registering under a foreign flag, a cruise line earns a free pass to discriminate against persons with disabilities, regardless of the cruise line's substantial contacts with the U.S. in marketing and operating its cruises.

The decision fails to give effect to instructive holdings in a closely analogous line of cases, which conclude that substantial and continuing contacts with the U.S. are to be accorded more weight than a vessel's flag. The activities of the cruise industry demonstrate that cruise lines operating foreign-flagged ships overwhelmingly maintain substantial and continuing domestic contacts with the U.S. For this reason, in addition to others, Title III of the ADA should apply to foreign-flagged cruise ships and their cruise lines that do business in the U.S., and the decision of the Fifth Circuit in this case should be reversed.

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* The parties in this case have consented to the filing of *amici* briefs. Their letters are on file with the Clerk of this Court. Pursuant to Supreme Court Rule 37.6, *amici* state that no counsel for any party has authored this brief in whole or in part, and no person or entity other than *amici*, their members, or their counsel contributed monetarily to the preparation or submission of this brief.

[1] 42 U.S.C. § 12101 *et seq*.

Further, foreign-flagged vessels have been held to be subject to various other general commercial and civil rights statutes. Indeed, the agreement of some cruise lines to retrofit foreign-flagged ships in order to settle ADA litigation puts to rest any burden or feasibility argument.

Amici request that the Court of Appeals decision be reversed and the case proceed with full application of Title III of the ADA.

ARGUMENT

I. TITLE III OF THE ADA IS PROPERLY APPLIED TO CRUISES ON FOREIGN-FLAGGED SHIPS GIVEN THE SUBSTANTIAL CONTACTS THAT THE CRUISE LINES HAVE WITH THE UNITED STATES.

Title III applies to cruise lines operating foreign-flagged vessels in the United States, just as if they were operating U.S.-flagged vessels here. Major cruise lines, virtually all of whom operate vessels under foreign flags, have substantial contacts with the United States, enjoy significant benefits in locating and conducting their businesses in the United States, and use tremendous marketing and advertising to reach and appeal to the public in the U.S. These contacts with the U.S. overwhelm any consideration of the ship's flag of registry, and require application of the ADA for foreign-flagged cruise ship lines that do business in the U.S.

A. Substantial and Continuing Contacts With the United States By Foreign-Flagged Cruise Ship Lines Weigh More Significantly Than the Foreign Flag Itself.

This Court has ruled that the fact that a ship is registered under the flag of a foreign country does not exempt its owner from U.S. law where the owner and ship have substantial U.S.

contacts.[2] In *Hellenic Lines, Ltd. v. Rhoditis*, 398 U.S. 306 (1970), the Court held that the Jones Act applied to permit an action in U.S. courts by a foreign employee against the foreign shipping line for injuries occurring on a foreign-flagged ship in U.S. waters. In applying a contacts-based analysis, the Court contrasted "the façade of the operation" with "the nature of the operation."[3] It took "a cold objective look at the actual operational contacts that this ship and this owner have with the United States."[4] It found determinative that the foreign corporation that owned the vessel maintained its largest office in New York, that the ship was not merely a "casual visitor" to the U.S., that "it and many of its sister ships were earning income from cargo originating or terminating here," and that its owner "engaged in an extensive business operation in this country."[5] Weighing the factors articulated in *Lauritzen v. Larsen*, 345 U.S. 571 (1953)[6] for deciding choice of law under maritime law, the Court held that "[t]he flag, the nationality of the seaman, the fact that his employment contract was Greek, and that he might be compensated there are in the totality of the circumstances of this case minor weights in the scales compared with the

[2] *See, e.g., Hellenic Lines, Ltd. v. Rhoditis*, 398 U.S. 306 (1970); *Romero* v. *Int'l Terminal Operating Co.*, 358 U.S. 354 (1959); *Lauritzen* v. *Larsen*, 345 U.S. 571 (1953).

[3] 398 U.S. at 310.

[4] *Id.*

[5] *Id.*

[6] In *Lauritzen*, the Court applied maritime law principles "of impressive maturity and universality," 345 U.S. at 581, to identify seven factors for deciding a choice-of-law question: the place of the alleged wrong, the law of the flag, allegiance of domicile of the injured, allegiance of the defendant ship owner, place of contract, inaccessibility of the foreign forum, and law of the forum. *Id.* at 582-92.

substantial and continuing contacts that this alien owner has with this country."[7]

Further, the Court in *Rhoditis* made clear that the significance of the U.S. contacts "must be considered in light of the national interest served by the assertion of Jones Act jurisdiction."[8] The ADA is of equal stature in this regard. Congress stated that a purpose of the ADA is "to provide a clear and comprehensive *national mandate* for the elimination of discrimination against individuals with disabilities."[9]

The U.S. contacts by foreign-flagged cruise ship lines, particularly in light of the broad policy and purpose of the ADA, require that Title III of the ADA be applied to protect American passengers who take cruises on Respondent's foreign-flagged ships. The eradication of discrimination based upon disabilities is a significant national and a part of the setting in which foreign-flagged cruise ship lines choose to interact with the American public. Despite their substantial activities here, Respondent fails to acknowledge that the ADA protects the very Americans whom it seeks as passengers, in the very activities it seeks to sell.

[7] *Id.* at 310.

[8] 398 U.S. at 309. Although the Jones Act was subsequently amended to restrict such actions (*see* 46 U.S.C. § 688 (1994 App.)), the contacts analysis is equally valid in the ADA context. The Jones Act prior to amendment did not expressly state that it would apply to foreign-flagged ships, but that did not deter the Court from applying it to protect the foreign seaman in *Rhoditis*. *See EEOC* v. *Kloster Cruise, Ltd.*, 939 F.2d 920 (11th Cir. 1991)(relying on *Lauritzen* and its progeny to enforce an administrative subpoena to investigate allegations of employment discrimination by *Kloster* where, as in the instant complaint, it was suggested that discriminatory activities occurred in the United States as well as aboard a foreign-flagged ship).

[9] 42 U.S.C. § 12101(b)(1) (emphasis added).

B. The Cruise Industry Continuously Seeks and Maintains Contacts With the United States In Doing Business and Soliciting Customers.

Major cruise lines, including the Respondent, have their headquarters in the United States, enjoy great benefits in locating and conducting their businesses here, and generate significant marketing and advertising in the U.S. to draw American consumers. Some of the details of these contacts are described here.

1. *The United States is Overwhelmingly the Cruise Industry's Most Significant Venue.*

The largest source of business by far for the cruise line industry is the United States—where cruising has become a mainstream alternative to onshore resort and sightseeing vacations.[10] North American ports handle some eighty percent of all cruise line embarkations.[11] The International Council of Cruise Lines, an industry consortium of the world's major lines,[12] claims the cruise industry contributed

[10] *See* Carnival Corporation SEC Form 10-K (Nov. 30, 2003) at 8-9, available at http://sec.freeedgar.com/displayText.asp?ID=2789703 (hereafter "Carnival 2003 10-K")(last visited Dec. 2, 2004)("According to G. P. Wild (International) Ltd., approximately 7.6 million North American sourced cruise passengers took cruise vacations for two consecutive nights or more in 2002.").

[11] International Counsel on Cruise Lines, *The Cruise Industry 2003 Economic Summary*, at http://www.iccl.org/resources/2003_econstudy-analysis.pdf (last visited Dec. 2, 2004).

[12] According to the U.S. Department of Transportation's Maritime Administration, the three largest cruise companies, sailing under a number of "brand names," carried over 90 percent of all passengers who took cruises from North America in 2003. *See* U.S. Maritime Adm., Press Release, Market Share Statistics (Feb. 13, 2004), available at http://www.marad.dot.gov/Marad_statistics/PRESS%20RELEASE%20-%20Statistics/Market-Share-03.htm (last visited Dec. 15, 2004). Approximately 94 percent of all North American cruise departures in 2003 sailed

$25.4 billion to the United States economy in 2003, up 11 percent from 2002.[13] During 2003, cruise ships carried an estimated 9.8 million passengers worldwide, and of those, 76 percent, or 7.5 million, were U.S. residents. *Id.*

What is more, the U.S. market for cruises is growing rapidly. The popularity of cruising has grown significantly in recent years as lines seek to expand capacity by adding new ships and more berths.[14] The industry is projecting double-digit growth for the foreseeable future.[15] Cruise lines expect

out of American ports. *See id.*, available at http://www.marad.dot.gov/Marad_statistics/PRESS%20RELEASE%20%20Statistics/Top%2020%20Departure%20Ports-03.htm (last visited Dec. 2, 2004)(Vancouver, Canada, accounted for 5.6 percent of North American departures in 2003). These three major players, in order of size, are Carnival Corporation (which consists of twelve cruise lines, including Carnival Cruise, Holland America, Windstar, Seabourn, and Princess); Royal Caribbean Cruises Limited (which includes Royal Caribbean International and Celebrity Cruises); and Star Cruises (which includes Respondent Norwegian Cruise Line, Ltd. ("NCL"), Star Cruises, and Orient Line). *See* Royal Caribbean Cruises Ltd., SEC Form 20-F Annual Report (Dec. 31, 2003) at 5, available at http://sec.freeedgar.com/displayHTML.asp?ID=2832825 (last visited Dec. 2, 2004) (hereafter "Royal Caribbean 2003 20-F")(the second largest cruise line company is Royal Caribbean Cruises, Ltd., (incorporated as a Liberian company) with 28 ships); *see also* Star Cruise Lines, *Development of Star Cruises* at http://www.starcruises.com/About/index.html (last visited Dec. 2, 2004) (Star Cruises is the third largest cruise line in the world presently operating a combined fleet of 18 ships with over 29,000 lower berths).

[13] *The Cruise Industry 2003 Economic Summary, supra* note 11.

[14] Carnival 2003 10-K at 14, available at http://sec.freedgar.com/displayText.asp?ID=2789703 (last visited on Dec. 2, 2004). Since 1970, cruising has been one of the fastest growing sectors of the vacation market, as the number of North American passengers has grown to an estimated 8.2 million in 2003 from 0.5 million in 1970, a compound annual growth rate of approximately 9%. *Id.*

[15] Kinsman, *The Booming Cruise Industry Wants to Set a Course for San Diego, But Port Upgrades Might be Necessary, (*Mar. 28, 2004), available at http://www.signonsandiego.com/news/business/20040328-

to continue their increases in embarkations out of United States ports, and are making substantial investments in line with those expectations.[16] For instance, Holland America Lines, one of twelve branded lines owned by Carnival Corporation, is currently spending $225 million to upgrade its fleet.[17] In 2004, Holland America Line's fleet of thirteen ships will have offered nearly five hundred sailings from numerous United States home ports, including new departures from Norfolk, Virginia, Baltimore, Maryland, and Boston, Massachusetts.[18]

The U.S. passengers for this expanding industry are lured with images of dream vacations, complete accommodations, media entertainment, live shows, games, massages, and other attractions. For example, Respondent advertises that its "*Freestyle Vacation* cruise offers diverse and exciting restau-

9999-news_mz1b28tide.html (last visited on Dec. 2, 2004). "While the cruise market is growing, there are a lot of people who haven't taken a cruise trip because they are not near a port. While cities such as New Orleans, Gulfport, Miss., and Galveston, Texas, have been growing as cruise originators, other cities such as Jacksonville, Fla., Norfolk, Va., and Bayonne, N.J., are trying to get a foothold in the market."). *Id.*

[16] The number of cruise vessels operating is also growing. There are over 31 new large cruise ships under construction worldwide that are due for delivery between now and 2005. About 50 percent of those new vessels will be operating out of the United States. *See* California Cruise Ship Environmental Task Force, *Report to the Legislature*, at 9 (Aug. 2003), available at http://www.swrcb.ca.gov/legislative/docs/cruiseshipleg rpt.pdf (last visited Dec. 2, 2004).

[17] *See* PRNewswire, *Holland America Line's Launching Advertising Campaign*, (Feb. 14, 2004), available at http://www.prnewswire.com/ cgibin/stories.pl?ACCT=104&STORY=/www/story/02-17-2004/0002111 447&EDATE (last visited Dec. 2, 2004).

[18] *Id.* Holland America Line's $225 million investment in its "Signature of Excellence" initiative will focus on five areas, including "spacious, elegant ships." Carnival 2003 10-K at 10. Enhancements and construction build-outs have begun and are expected to be substantially completed by the end of 2005. *Id.*

rants, a more relaxed dress code and more things to see and do" and "[w]hether it's lazy days and romantic nights or an action-packed week of adventure, there's no better way to have the vacation of your dreams than with Freestyle Cruising and NCL,"[19] and "[a]ll of NCL's ships offer Broadway style theaters, 24-hour fitness centers, world-class spas, Internet Cafés and most offer dazzling casinos with the newest slots and table games afloat."[20] These images appeal strongly to Americans with disabilities because of the one-location nature of the complete accommodations and the lure of full participation in the best that life has to offer. The foreign flag of a ship is not an adequate excuse to ignore the ADA's Title III requirements when offering all Americans such perfection in accommodations and travel.

2. *Major Cruise Lines Maintain Principal Offices and Substantial Facilities and Personnel In the United States.*

Respondent reportedly has corporate headquarters or a principal place of business in Miami, Florida.[21] NCL Corporation, Ltd., ("NCL Ltd.") a recently formed entity also headquartered in Miami, Florida, oversees the North American operations of NCL (the Respondent), NCL America, and Orient Lines.[22] It also maintains an office in

[19] NCL Freestyle, at http://www.ncl.com/freestyle/index.htm (last visited Dec. 2, 2004).

[20] NCL Fleet, at http://www.ncl.com/fleet/index.htm (last visited Dec. 2, 2004).

[21] Star Cruise Lines Investor Releases, available at http://www. starcruises.com/Investor/Releases/2003/Ar/ar2003.pdf (identifying NCL Headquarters in Miami).

[22] NCL News, *NCL Purchases Hawaii Tour Bus Co.*, NCL News at http://www. ncl.com/news/pr/pr111704.htm (last visited Dec. 2, 2004). *See also id., Major Corporate Financing Completed by NCL Corporation, Ltd.* at http://www.ncl.com/news/pr/pr071604.htm (last visited Dec. 2, 2004).

Honolulu, Hawaii.[23] NCL Ltd. reportedly employs approximately 1,200 personnel in the United States.[24] It. also operates a "Customer Service Center" at the Waikiki Beach Marriott Resort and Spa in Honolulu.[25]

On July 4, 2004, NCL Ltd. introduced the re-flagged *Pride of Aloha*, the first modern U.S.-flagged cruise ship in nearly 50 years.[26] The 2,002 passenger ship is 100% U.S.-crewed, and sails year-round in Hawaii under the NCL America brand alongside *Norwegian Wind* from sister brand, Norwegian Cruise Line.[27] NCL Ltd. is currently building three ships that will be U.S.-flagged, including two more for the NCL America brand in Hawaii - *Pride of America* (delivery in June, 2005) and *Pride of Hawaii* (delivery in April 2006). Norwegian Jewel will join the Norwegian Cruise Line fleet in August 2005.[28]

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[23] *See* Pacific Business News, Offices on the Move, Vacancies on the Decline, (Sep. 23, 2003) at http://www.bizjournals.com/pacific/stories/2003/09/22/daily38.html (last visited Dec. 2, 2004).

[24] Dun & Bradstreet Report on NCL (Nov. 29, 2004).

[25] Cruise Lines, U.S., *Norwegian Cruise Line Introduces Customer Service Center in Honolulu for Hawaii Cruise Travelers*, at http://www.cruiselines.us/cruiseline_norwegian_news_06302004.html (last visited Dec. 2, 2004). NCL offers a full concierge service exclusively available for guests, an array of offerings for its Hawaii travelers including pre-cruise check-in, land and shore excursion coordination, advance spa and dining reservations and cabin upgrade requests. It also offers pre- and post-cruise land packages at the Waikiki Beach Marriott Resort and Spa and other Honolulu hotels.

[26] NCL News, *NCL Purchases Hawaii Tour Bus Co.*, at http://www.ncl.com/news/pr/pr111704.htm (last visited Dec. 2, 2004).

[27] *Id.*

[28] *Id. See also* NCL News, *Norwegian Cruise Line Announces Deployment for 2005-06* (April 19, 2004) at http://www.cruiselines.us/cruiseline_norwegian_news_04192004.html (last visited Dec. 2, 2004).

NCL Ltd. has other substantial U.S. operations keyed to its cruises. Recently, it acquired a local Hawaiian tour bus company, Polynesian Adventure Tours, for $5 million.[29] The company operates approximately 100 motor coaches and buses on all four major Hawaiian Islands, and. has stated that it intends to retain its 200 employees and continue the tours.[30] According to NCL's Executive Vice President, NCL plans to bring 500,000 cruise passengers to Hawaii by next year and will be "poised to invest the necessary resources in Polynesian Adventure tours to meet the needs of our cruise business as well as service the company's existing customer base."[31]

NCL is not the only large cruise line that is literally present in the U.S. and doing business with Americans here. Its competitors also have significant domestic operations. Virtually every major cruise line has offices in the United States, and several have located their headquarters and substantial operations in the U.S. as well.[32] For example, Carnival Corporation, the largest cruise company in the world based on passengers carried, revenues generated and available capacity, has numerous business units, as well as personnel and real and personal properties scattered throughout the

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[29] NCL News, *NCL Purchases Hawaii Tour Bus Co.*, at http://www.ncl.com/news/pr/pr111704.htm (last visited Dec. 2, 2004). *See also* Pacific Business News (Honolulu), *NCL Buys Tour Bus Company* (Nov. 17, 2004), available at http://pacific.bizjournals.com/pacific/stories/2004/11/15/daily30.html (last visited Dec. 2, 2004).

[30] *Id.*

[31] *Id.*

[32] *See* Sun Sentinel, *Cruise Line Addresses* (Sep, 7, 2003) available at http://www.sun-sentinel.com/travel/custom/cruises/sfl-2003fallcruzaddsep07%2C0%2C6993190.story (last visited Dec. 2, 2004)(listing cruise line addresses).

United States.[33] The Port of Miami, Florida alone is the homeport to Carnival Cruise Lines, Royal Caribbean International, and Respondent, handling 18 cruise ships and nearly 4 million passengers in 2003.[34]

Carnival owns twelve cruise brands, including Carnival Cruise Lines, Holland America Line, Princess Cruises, Seabourn Cruise Line and Windstar Cruises, all of which operate in North America.[35] In 2003, Carnival employed approximately 8,500 full-time and 2,500 part-time/seasonal employees in shore side operations.[36] Its principal shore-side operations, and the parent company's corporate headquarters, are located in a 456,000 square foot facility that it owns in Miami, Florida.[37] Carnival's subsidiaries Holland America Line, Windstar and Princess Tours lease 179,000 square feet of space in Seattle, Washington for their headquarters operations, and Princess Cruises leases 282,000 square feet of space in Santa Clarita, California.[38] Carnival also leases office space in Colorado Springs, Colorado and Miramar, Florida for an additional reservation center and for additional personnel, respectively.[39] Office space is also leased in Hollywood, Florida for Costa's South Florida sales office and in Pompano Beach, Florida for certain of Princess' art framing and warehousing operations.[40]

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[33] Carnival 2003 10-K at 21, available at http://sec.freeed-gar.com/displayText.asp?ID=2789703 (last visited Dec. 2, 2004).

[34] Port of Miami, Florida, *Cruise Facts*, at http://www.co.miami-dade.fl.us/portofmiami/cruise_facts.asp (last visited Dec. 2, 2004).

[35] Carnival 2003 10-K at 2, available at http://sec.freeedgar.com/displayText.asp?ID=2789703 (last visited Dec. 2, 2004).

[36] *Id.* at 21.

[37] *Id.* at 27.

[38] *Id.*

[39] *Id.*

[40] *Id.*

Royal Caribbean Ltd. has its principal executive office and shore-side operations at the Port of Miami, Florida, where it leases three office buildings totaling approximately 359,000 square feet from Miami-Dade County under long-term leases.[41] Royal Caribbean also leases an office building in Wichita, Kansas totaling approximately 89,000 square feet which is used primarily as an additional reservation center, and leases an office building in Miramar, Florida totaling approximately 128,000 square feet.[42]

In addition to cruise ships, tour operations, particularly in Alaska, have become a domain of cruise lines. Cruise lines increasingly are the owners of buses, railcars, and end-point resorts, controlling much of the shore-side vacation activity for cruise participants. For example, Carnival Corporation operates two tour companies under the brand names Holland America Tours and Princess Tours.[43] These tour companies are the leading cruise/tour operators in the State of Alaska and, as of the end of 2003, marketed and operated substantial facilities and services, stretching the reach of their cruises to Alaskan, interior Washington, and the Canadian Yukon destinations. These include: 17 hotels or lodges, with approximately 2,714 guest rooms, over 500 motor coaches used for sightseeing, over 20 domed rail cars, two luxury day boats that tour glaciers and sightseeing packages sold as part of cruise/tour packages.[44]

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[41] Royal Caribbean Ltd. SEC Form 20-F (2003) at 17, available at http://sec.freeedgar.com/displayHTML.asp?ID=2832825 (last visited Dec. 2, 2004)

[42] *Id.*

[43] Carnival 2003 10-K at 3.

[44] *Id.* In addition to cruises, all of Carnival's cruise brands sell pre- and post-cruise land packages in conjunction with ports of call in the U.S., which generally include stays at nearby attractions or other vacation destinations, or individual/multiple city tours of Boston, Massachusetts, New York City, Washington, D.C. and/or Las Vegas, Nevada, and pre-

The core of the global cruise industry is focused on the U.S. customer base and is present in the U.S. for substantial and continuous operations, supporting its foreign-flagged cruise ship business.

3. *Cruise Lines Affirmatively Advertise and Market Cruises in the United States to Attract American Passengers.*

Cruise lines are pouring record amounts of money into advertising. For example, Royal Caribbean Cruise Ltd. incurred over half a billion dollars in selling and administrative expenses in 2003, up nearly twenty percent from the previous year.[45] Carnival Corporation spent even more.[46]

Major cruise lines portray that they have everything for everyone. They develop and promote seductive, multi-million dollar advertising campaigns designed to attract American passengers. For instance, Holland America's

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and post-cruise land packages, utilizing, to a large extent, its transportation and hotel assets. *Id.* at 17.

[45] *See* Royal Caribbean 2003 Form 20-F at 25, available at http://sec.freeedgar.com/displayHTML.asp?ID=2832825 (last viewed Dec. 2, 2004) ("Marketing, selling and administrative expenses increased 19.3% to $514.3 million in 2003 compared to $431.1 million in 2002. The increase in 2003 was primarily attributable to new initiatives associated with the Celebrity Cruises marketing campaign and a return to more normalized spending levels. The year 2002 reflected lower spending levels as a result of business decisions taken subsequent to the events of September 11, 2001. Marketing, selling and administrative expenses as a percentage of total revenues were 13.6% and 12.6% in 2003 and 2002, respectively. On a per Available Passenger Cruise Day basis, marketing, selling and administrative expenses in 2003 increased 6.4% from 2002.").

[46] Carnival 2003 10-K at 77, available at http://sec.freeedgar.com/displayText.asp?ID=2789703 (last visited Dec. 2, 2004) ("Cruise selling and administrative expenses increased $319 million, or 55.3%, to $896 million in 2003 from $577 million in 2002.").

newest ad campaign, produced by U.S. firm DDB Seattle, centers around "five brand pillars that are central to the guests' experience: spacious, elegant ships and accommodations; sophisticated, five-star dining; gracious, unobtrusive service; extensive enrichment programs and activities; and compelling worldwide itineraries."[47] Respondent touts that it was the first cruise line to offer a nationwide air/sea program combining cruise, hotel and transfers from more than 150 U.S. and Canadian cities.[48]

Major cruise lines have a large sales force based in the United States, branded according to their lines, that focuses on assisting independent travel agencies in the U.S. to grow and develop their cruising businesses.[49] For example, even as of 1999, Carnival Corporation employed over 350 personnel, excluding reservation agents, in the sales and sales support area.[50] Such employees, among other things, focus on motivating, training and supporting the retail travel agent community, which sells substantially all of the company's cruises.[51]

Cruise line sales personnel provide cooperative marketing support to U.S. travel agencies. For instance, also in 1999, Carnival employed approximately 120 business development managers and 50 in-house service representatives to motivate

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[47] See PRNewswire, *Consumer Publications See Ad Campaign as an Innovative Glimpse into Holland America Line's Tradition of Excellence* (Feb. 17, 2004) available at http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/02-17-2004/0002111447&EDATE=.

[48] *See* NCL News at http://www.ncl.com/news/downloads/NCLOverview_July04_092204.pdf.

[49] *See* Royal Caribbean Form 20-F at 11, at http://sec.freeedgar.com/displayHTML.asp?ID=2832825 (last viewed Dec. 2, 2004).

[50] *See* Carnival Corporation SEC Form 10-K (Nov. 30, 1999), "Sales and Marketing" (non-paginated electronic document) at http://sec.freeedgar.com/displayText.asp?ID=1180792 (last visited Dec. 2, 2004).

[51] *Id.*

independent travel agents and to promote its cruises as an alternative to land-based vacations or other cruise lines.[52] Carnival also employed approximately 750 reservation agents in 1999 to take bookings from independent travel agents.[53]

Carnival's competitor, Royal Caribbean, offers an automated reservations system that provides travel agents direct access to its computer reservation system for bookings with its brands, employs customer service representatives, and operates reservation call centers in Miami, Florida and Wichita, Kansas.[54]

4. *Cruise Lines Rely Upon Public Funds to Improve U.S. Ports to Better Accommodate their Vessels.*

While a foreign-flagged ship with an American port as its "home port" may have a foreign crew, be foreign owned, and be foreign built,[55] it enjoys the same benefits and privileges in the port and in U.S. waters as an American-flagged ship built in the United States with an American crew.[56] Significantly,

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[52] *Id.* at "Sales and Marketing"—"Carnival."

[53] *Id.*

[54] Royal Caribbean Form 20-F, *supra* note 30, at 11.

[55] A major reason not to fly the American flag is to avoid U.S. corporate income tax. The countries of registry of virtually all foreign-flagged vessels do not tax the revenue earned from ships engaged in either the carriage of goods or passengers. Martin, *Flags of Convenience*, CBC News Online (Feb. 6, 2004) at http//www.cbc.ca/news/background/martin-paul/flags of convenience.html.(last visited Dec. 2, 2004).

[56] *Vessel Operations Under Flags of Convenience and Their Implications on National Security*: Hearing Before the Special Oversight Panel on the Merchant Marine, House Comm. on Armed Services, 107th Cong. 2d Sess. 14 (2002) (Hereafter "Merchant Marine Hearing) (Testimony of Rear Admiral Paul J. Pluta, Assistant Commander for Marine Safety and Environmental Protection, United States Coast Guard).

all of the major cruise lines' vessels that operate out of ports in the continental U.S. are foreign-flagged.[57] Those ships are served by the U.S. Coast Guard; they use port facilities built, and channels dredged, at U.S. taxpayers' expense; and they have access to local police and fire protection, while their owners pay little or no U.S. taxes.[58]

Cruise lines have gained significant attention from U.S. port authorities eager to build new facilities in order to attract and retain their cruisee businesses. That influence includes accessing tax revenues to fund port improvements and security, many times specifically tailored to the cruise lines' needs. For instance, Royal Caribbean has reached an agreement with Miami-Dade County for $16 million in improvements on its terminals to make room for a third ship of its largest class.[59] The county, which governs and owns the Port of Miami, has agreed to reimburse Royal Caribbean

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[57] In fact, Respondent currently has the only U.S.-flagged cruise ship, which operates out of Hawaii. *See* http://www.ncl.com/news/pr/pr111704.htm (last visited Dec. 2, 2004). All other cruise ships it uses in the U.S. are foreign-flagged. *Id.*

[58] *Merchant Marine Hearing*, *supra* note 58, at 45.

[59] Miami Today, *County to Repay Royal Caribbean For $16 Million Upgrade at Port* (Feb. 7, 2002), available at http://www.floridacdc.org/infofax/020211.htm (last visited on November 15, 2004) ("In return, company officials said, the county's investment should generate $1.4 million in additional annual revenues for the port from dock, wharf and parking fees. The cruise line will be reimbursed up to $16 million under terms similar to those used in 1998 when the port expanded terminals 3, 4 and 5. Then, he said, it was Royal Caribbean that financed the renovations for about $76 million and the county reimbursed the line from port revenues."). The port has recently received $425,000 in federal funds for security programs. *See* http://www.co.miami-dade.fl.us/portofmiami/press_releases/04-09-14-security.asp (last visited Dec. 2, 2004). Total federal grants, over the course of 10 grants, total $17,652,850; five of these grants were for cruise security improvements. *Id.*

for its costs as work progresses.[60] The City of Norfolk, Virginia is moving forward on funding and construction of a new $36 million cruise terminal and $5 million in associated infrastructure by the end of 2006.[61] The State of New Jersey has invested $42 million into a new cruise port, which opened in May at Bayonne.[62] Interested citizens of Baltimore have call upon Maryland's governor to follow suit.[63] As part of a larger "Master Plan" being developed to accommodate the growing cruise industry in New York City, the City will invest $50 million in facility upgrades the NYC Passenger Ship Terminal to help the cruise industry meet growing demand.[64] The proposed upgrades are to improve passenger circulation, reduce roadway congestion, stabilize the facility infrastructure and improve passenger service and comfort.[65]

Cruise lines work in cooperation with U.S. port authorities in developing and financing cruise port facilities in the U.S. For instance Carnival states:

> [I]n cooperation with private or public entities, we are engaged in the development of new or enhanced cruise port facilities. Our involvement typically includes providing cruise port facility development and management expertise and assistance with financing. During 2003, we were primarily involved in the development of

[60] *Id.*

[61] Letter from various individuals in Maryland business and travel communities calling upon Maryland Governor Ehrlich (Aug. 30, 2001) to support a new cruise terminal and better customer facilities in Baltimore, at http://www.aaamidatlantic.com/safety/release_content.asp?id=1659 (last visited Dec. 2, 2004).

[62] *Id.*

[63] *Id.*

[64] *See* New York Post, *What's News -- NYC Economic Development Corporation Announces Improvements for Passenger Ship Terminal* (Jan. 15, 2004) at http://www.nypst.com (last visited Dec. 2, 2004).

[65] *Id.*

> cruise port facilities in Long Beach, California and Savona, Italy, which opened in 2003, Galveston, Texas, and San Juan, Puerto Rico. In addition, we are in the process of negotiating for the development of several other port facilities to service our North American and European guests, including, but not limited to, facilities in Barcelona, Spain, Brooklyn, New York and the Turks & Caicos Islands.[66]

Royal Caribbean states, "In an effort to secure satisfactory berthing facilities for our ships, and to provide new or enhanced cruise destinations for our passengers, from time to time we assist or invest in the development or enhancement of certain port facilities and infrastructure located in strategically important ports of call. Generally, we collaborate with local private or governmental entities by providing management and/or financial assistance. In exchange for our involvement, we generally secure preferential berthing rights for our ships."[67]

The Port of Seattle started a $12.9 million terminal build-out after it entered an agreement with NCL to use the Port as its "homeport" for NCL's foreign-flagged Alaska cruises for at least four years.[68] The build-out included features that the Port made to attract cruise lines such as a mechanical, covered passenger bridge, ticketing centers, escalators, a weather canopy, a large and efficient baggage claim area, and Customs and Immigration inspection stations.[69]

[66] Carnival 2003 10-K at 16, available at http://sec.freeedgar.com/displayText.asp?ID=2789703 (last visited on Nov. 30, 2004).

[67] Royal Caribbean 20-K at 10.

[68] *See* NCL, *Countdown to Norwegian Cruise Line's First Homeport Season* (May 7, 1999), available at http//www.ncl.com/news/pr/pr990507a.html (last visited Dec. 2, 2004).

[69] *Id.*

Funding sources for port cruise passenger facility improvements can come from local bonds and county and city tax dollars.[70]

C. Consideration of the Multitude of Cruise Lines' Continuous Contacts With The U.S. Strongly Favors Enforcing Title III of the ADA Against Their Foreign-Flagged Cruise Ships.

Consistent with *Rhoditis*[71] and *Lauritzen*[72], the foreign registry of cruise ships and even a cruise line's foreign incorporation are not sufficient to overcome the effect of the multitude of the cruise industry's substantial and continuous contacts with the U.S. Cruise lines and the cruise ships they run under foreign flags purposefully take full advantage of doing business in the U.S.; indeed, using the language of *Rhoditis*, they have a U.S. "base of operations," and their ship is "not a casual visitor; rather it and many of its sister ships [are] earning income from 'cargo' (i.e. American passengers) originating or terminating here."[73] Like most other cruise

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[70] *See, e.g.,* Broward County Capital Budget, Passenger Facilities/Port Building – Improvements, Funding Summary at http://www.co.broward.fl.us/budget/obi02485.pdf (last visited Dec. 2, 2004). *See also* news from the Port of Galveston at http://www.portofgalveston.com/news/publications/supplements/2002June/Message%20from%20the%20Pt%20Dir.pdf. (last visited Dec. 2, 2004) ("Port staff realizes the need to find new strategies to secure funding for the development of port facilities for future growth. The staff looked to the Galveston City Council to create a financing arm to fund new developments and improvements. The City Council authorized the formation of a Local Government Corporation (LGC) to issue bonds based on guaranteed revenues to include guaranteed leases and minimal revenue streams from future business."). Two of Respondent's cruise ships that are at issue in this case sailed out of the Port of Galveston.

[71] 398 U.S. 306 (1970).

[72] 345 U.S. 571 (1953).

[73] 398 U.S. at 310.

lines, the Respondent has substantial and continuing contacts with the U.S. Moreover, the nature and purpose of its contacts are directly related to the wrong alleged here. The cruise lines seek out Americans, including those with disabilities, as customers to engage in activities that are squarely at the center of the purpose of Title III of the ADA.

II. AS SHOWN BY JUDICIAL DECISIONS AND CONSENT SETTLEMENTS, FOREIGN-FLAGGED SHIPS AND CRUISE LINES OPERATING IN THE UNITED STATES MUST COMPLY WITH OTHER GENERAL STATUTES, AND FIND IT FEASIBLE TO COMPLY WITH THE ADA.

Judicial decisions under other general commercial and civil rights statutes demonstrate that operation of foreign-flagged ships having substantial contact with the U.S. must comply with such laws. Consent decrees entered into by cruise lines regarding their foreign-flagged ships further demonstrate that it is feasible for cruise lines to change their ships and practices to comply with the ADA.

(1) Foreign companies are not exempt from complying with U.S. laws merely because of their foreign status.[74] Cruise lines having foreign-flagged vessels are no different. With operations in the U.S. or off its coast, they have been required to comply with various general commercial and civil rights statutes.[75] These include laws as to which there was no

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[74] *See, e.g., Matsushita Elec. Indus. Co. Ltd. v. Zenith Radio Corp.*, 475 U.S. 574 (1986) (foreign companies are subject to state and federal laws for conduct in the United States).

[75] *See, e.g., EEOC v. Kloster Cruise Ltd.*, 897 F. Supp. 1422 (S.D. Fla. 1995) (examining whether foreign-flagged cruise ship line violated the Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.* when it terminated several older, shoreside salespersons); *Latman v. Costa Cruise Lines N.V.*, 758 So. 2d 699 (Fla. Dist. Ct. App. 2000), *cert. denied*, 537

legislative statement of a specific Congressional intent regarding foreign-flagged cruise ships specifically.[76]

(2) In several suits seeking ADA compliance by foreign-flagged cruise ships, the defendant cruise lines have settled the case with agreements to make ADA-based modifications and policy changes. These consents show the feasibility, without unreasonable burden, of retrofitting existing cruise ships to make them more accessible to people with disabilities.

For example, in *Access Now, Inc. v. Costa Crociere, S.P.A.*,[77] plaintiff alleged that the defendant cruise lines violated the ADA by failing to make cruise ships accessible. Costa, in settling that case, agreed to make certain modifications to four of its ships, with an option to include

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U.S. 884 (2002) (subjecting cruise lines, including Kloster Cruise Lines, d/b/a Norwegian Cruise Lines, to Florida's Deceptive and Unfair Trade Practices Act because of the cruise lines' pricing policies); *Renaissance Cruises, Inc. v. Glassman*, 738 So. 2d 436 (Fla. Dist. Ct. App. 1999) (affirming class certification in a suit alleging deceptive trade practices based on the cruise line's pricing policies); *Premier Cruise Lines, Ltd. v. Picaut*, 746 So. 2d 1132 (Fla. Dist. Ct. App. 1999) (reversing summary judgment for defendant and allowing further discovery in plaintiff's state law fraudulent and false advertising claim against a cruise line); *Deck v. American Hawaii Cruises, Inc.*, 51 F. Supp. 2d 1057 (D. Hawaii. 1999) (finding some ADA claims applicable to cruise ships).

[76] *See* note 75, *supra*. Respondents' assertion that the statute or legislative history must specifically mention foreign-flagged cruise ships reduces the issue to a logical absurdity. There is no general requirement that a statute or the congressional report must call out every class and category of business that may be subject to a statute. Were that the case, Congress would be so preoccupied with writing out every detail of its intended statutory measures that there would be little time for actual legislation.

[77] *Access Now, Inc. v. Costa Crociere, S.P.A.*, No. 00-7231-CIV (S.D. Fla. 2000).

other ships.[78] In the settlement agreement entered in *Access Now, Inc. v. Cunard Line, Ltd.*,[79] Cunard/Carnival agreed to spend $7 million on installing fully and partially accessible cabins, accessible public restrooms, new signage, coamings, thresholds, stairs, corridors, doorways, restaurant facilities, lounges, spas and other shipboard facilities, including elevator accessibility.[80] The scope of the agreement covered fifteen existing ships and seven ships under construction, and ships ordered in the future.[81]

Indeed, the industry has shown that new cruise ships can be designed to greatly expand accessibility to persons with disabilities. For example, Royal Caribbean International's *Mariner of the Seas*, launched in November 2003, is touted as the first cruise ship that can be fully experienced firsthand by guests with disabilities. The ship does not contain many of the bulkhead barriers found in most other cruise ships that block access to bathrooms, dining rooms, and other entertainment areas. It also provides wheelchair access to balconies, with accessible cabins having extra wide doorways

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[78] *See* Carnival 2003 10-K at 20, available at http://sec.freeedgar.com/displayText.asp?ID= 2789703 (last visited Dec. 2, 2004).

[79] *See Access Now, Inc., v. Cunard Line, Ltd.*, No. 00-7233-CIV (S.D. Fla. 2001).

[80] Cruise Line Law Reporter, *Class Action Under the Americans With Disabilities Act Against Two Major Cruise Lines Settled Requiring the Cruise Lines to Make Major Shipboard Modifications—Settlement Approved by Court* (Oct. 2001), available at http://www.lipcon.com/cllr_oct_01.shtml#2 (last visited Dec. 2, 2004).

[81] *Id.* (discussing Joint Motion for Conditional Class Certification, Fairness Hearing, a Stay and Approval of Settlement, § 2.1 Modification to Ships and Policies, at 7); *see also* U.S. Department of Justice, Civil Rights Division, *Enforcing the ADA, A Status Report from the Department of Justice*, July-September 2001, Issue 3, Section 3 (Title III) at http://www.usdoj.gov/crt/ada/julsep01.htm (last visited Dec. 2, 2004).

that permit wheeling onto cabin balconies.[82] No artificial exemption created by "the façade of the operation" of foreign-flagged vessels should be erected to forestall this kind of innovation in cruising, an industry that substantially and continuously serves American customers from the U.S.[83]

A consent decree agreed to by Respondent itself demonstrates the feasibility of also ending cruise business and pricing practices that discriminate against persons with disabilities. In *United States v. Norwegian Cruise Lines, Ltd.*,[84] a Title III case involving persons with visual impairments,[85] NCL agreed to (a) not request or require any

[82] Free-Pree-Release.com News, Inspection Reveals the Most Handicap Accessible Ship Ever, at http://www.free-press-release.com/news/200403/1080155981.html (last visited Dec. 2, 2004). Some cruise lines now offer accommodations such as special health services, including kidney dialysis, oxygen tanks, and special menus for diabetics. *See* http://www.royalcaribbean.com/allaboutcruising/accessibleseas/otherNeeds.do;jsessionid=00006 ja_zNN_qJnXNfpcWPdQqwO:v2mocbr0 (last visited Dec. 2, 2004).

[83] Royal Caribbean has announced that it has "begun a multi million-dollar access project to upgrade and add to our offerings over the next three years." *See* http://www.royalcaribbean.com/allaboutcruising/accessibleseas/home.do;jsessionid=00006ja_zNN_qJnXNfpcWPdQqwO:v2mocbr0?cS=NAVBAR (last visited Dec. 2, 2004). Some of the features touted for persons with mobility impairments are: "early boarding, cruise transfers utilizing a specialized van with lift, boarding and departure assistance, scooter access, hydraulic lifts for one pool and one Jacuzzi on each ship in the fleet, accessible tender system, accessible Blackjack tables in the casino, accessible Guest Relations Desk, and deck plans that show accessible paths of travel." *Id.*, at http://www.royalcaribbean.com/allaboutcruising/accessibleseas/mobilityImpairment.do;jsessionid=00006ja_zNN_qJnXNfpcWPdQqwO:v2mocbr0 (last visited Dec. 2, 2004).

[84] No. 01-0244 (S.D. Fla. 2001).

[85] *See* Department of Justice News Release: *Norwegian Cruise Line Agrees With Justice Department to Keep its Ships Open to Blind Persons* (2001), available at http://www.usdoj.gov/opa/pr/2001/September/456cr.htm (last visited Dec. 2, 2004); *see also* Consent Order and Final

person with a visual impairment to travel with, or share a cabin with, a sighted companion; (b) not request or require any person with a visual impairment to obtain a medical note prior to traveling; (c) not request or require any person with a visual impairment to assume liability for risks associated with traveling on a cruise ship, unless such request or requirement is made to all persons; (d) designate an employee to deal with and address all matters related to the ADA; and (e) implement ADA training for Norwegian employees.[86]

Any objection based on the burden to retrofit or design ships for ADA-compliance was foreclosed by Congress in language that requires changes that are "readily achievable."[87] The agreement by cruise lines in settlements and consent orders further removes any burden argument. The cruise companies are here, active, and heavily invested in the U.S. What remains is revealed in the briefs filed with the Petition for Certiorari in this case: Respondent and its *amici* seek, more than anything else, the certainty of knowing whether the ADA applies. Certainty and uniformity among Circuits is of prime consideration; burdensomeness is not.

The ADA broadly applies to end discrimination against Americans with disabilities in all aspects of their social and business interactions, and the impediment erected by the Court of Appeals' decision below should be uprooted so that both certainty and progress will prevail.

Judgment, available at http://www.usdoj.gov/crt/ada/ncruise.htm (last visited Dec. 2, 2004).

[86] *United States v. Norwegian Cruise Line, Ltd.*, *supra* note 84.

[87] 42 U.S.C. § 12182(b)(2)(A)(iv). "The term 'readily achievable' means easily accomplishable and able to be carried out without much difficulty or expense." *Id.* at § 12181(9) (listing the factors to be considered).

CONCLUSION

For the foregoing reasons, *amici* urge that the decision of the Court of Appeals for the Fifth Circuit be reversed, and remanded for full proceedings applying Title III to the merits of Petitioners' claims.

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December 3, 2004

APPENDIX

APPENDIX

AMICI CURIAE

AARP
Alexander Graham Bell Association for the Deaf and Hard of Hearing
American Diabetes Association
Association on Higher Education And Disability
Depression and Bipolar Support Alliance
Disability Rights Education and Defense Fund, Inc.
Judge David L. Bazelon Center for Mental Health Law
National Association of Councils on Developmental Disabilities
National Association of the Deaf

THE *AMICI* ORGANIZATIONS

AARP is a nonpartisan, nonprofit membership organization with more than thirty-five million persons age 50 and older that is dedicated to addressing the needs and interests of older Americans. Countless AARP members with disabilities rely on Title III of the ADA to assure access to all manner of public accommodations in a manner free from discrimination. Numerous AARP members, many of whom are persons with disabilities, partake of the dining, touring, recreation, entertainment, educational and other services which are available on cruise ships serving U.S. ports or which are provided in connection with cruises undertaken by such ships. In addition, AARP vigorously supports access to travel opportunities for its members, including those provided on or associated with cruise ships serving U.S. ports. Thus, AARP has a strong interest in assuring that Title III of the ADA is interpreted properly, so as to assure full and unimpeded access to cruise line services by its members and other persons with disabilities. The protections of Title III of the ADA are especially important to AARP members because

older persons have a higher incidence of disabilities than other populations.

The Alexander Graham Bell Association for the Deaf and Hard of Hearing ("AG Bell") is a non-profit organization based in Washington D.C. AG Bell has chapters throughout the United States, and has international affiliates throughout the world. AG Bell advocates for spoken language in children and adults. AG Bell is deemed to be the preeminent organization in deafness. AG Bell provides advocacy, resources and leadership for parents, professionals, and individuals who are deaf or hard of hearing. AG Bell has participated as amicus curiae in numerous court cases that potentially affect the legal rights of its members.

The American Diabetes Association is the nation's leading nonprofit health organization providing diabetes research, information and advocacy. The mission of the organization is to prevent and cure diabetes, and to improve the lives of all people affected by diabetes. As part of its mission, the American Diabetes Association advocates for the rights of people with diabetes and supports strong public policies and laws to protect persons with diabetes against discrimination. The American Diabetes Association has over 400,000 general members and over 17,000 health care professional members.

The Association on Higher Education And Disability ("AHEAD") is a non-profit organization committed to full participation in higher education and equal access to all opportunities for persons with disabilities, including professional licensing and employment. Its membership includes approximately 2,000 institutions including colleges, universities, not-for-profit service providers, and standardized testing organizations, professionals, and college and graduate students planning to enter the field of disability practice. Many of its members are actively engaged in assuring ADA compliance and in providing reasonable accommodations to both students and employees at institutions of higher educa-

tion and in high-stakes standardization testing. In addition, AHEAD members actively work with students in establishing vocational plans and job readiness. AHEAD publishes numerous resources on the implementation of the ADA and Section 504 of the Rehabilitation Act of 1973 by post-secondary institutions.

The Judge David L. Bazelon Center for Mental Health Law is a national public interest organization founded in 1972 to advocate for the rights of individuals with mental disabilities. The Bazelon Center has engaged in litigation, administrative advocacy, and public education to promote equal opportunities for individuals with mental disabilities. Much of the Center's work involves efforts to remedy disability-based discrimination through enforcement of the ADA.

The Depression and Bipolar Support Alliance ("DBSA") is the leading patient-directed national organization focusing on the most prevalent mental illnesses—depression and bipolar disorder. Studies indicate that there may be 20 to 35 million persons with depression and 2.5 million to 10 million people with bipolar disorder. DBSA was founded in 1985 and is based in Chicago. DBSA's mission is to improve the lives of people living with mood disorders. This not-for-profit organization fosters an environment of understanding about the impact and management of these life threatening illnesses by providing up-to-date, scientifically based tools and information, written in easy to understand language. DBSA has more than 1,000 peer-run support groups across the country. Assisted by a Scientific Advisory Board, comprised of the leading researchers and clinicians in the field of mood disorders, DBSA supports research to promote more timely diagnosis, to develop more effective and tolerable treatments and to discover a cure. The DBSA organization works to ensure that people living with mood disorders are treated equitably. In that regard, the DBSA believes that the

Americans With Disabilities Act should be given a strong, vigorous and broad construction.

The Disability Rights Education and Defense Fund, Inc. ("DREDF"), based in Berkeley, California, is a national law and policy center dedicated to securing equal citizenship for Americans with disabilities. DREDF pursues its mission through education, advocacy and law reform efforts. In its efforts to promote to full integration of citizens with disabilities into the American mainstream, DREDF has represented or assisted hundreds of people with disabilities who have been denied their rights and excluded from opportunities because of false and demeaning stereotypes, and has fought to ensure that people with disabilities have the remedies necessary to vindicate their right to be free from discrimination. DREDF is nationally recognized for its expertise in the interpretation of disability civil rights laws.

The National Association of Councils on Developmental Disabilities ("NACDD") is a national, member-driven organization consisting of 55 State and Territorial Councils. NACDD places high value on meaningful participation and contribution by Council members and staff of all Member Councils, and we advocate and continually work towards positive system change on behalf of individuals with developmental disabilities and their families. NACDD was established in 2002 to bring together the two organizations that previously supported DD Councils, Consortium of Developmental Disabilities Councils and National Association of Developmental Disabilities Councils. NACDD represents the diverse interests of its Council members. It is the national voice of the Councils on Developmental Disabilities. Its purpose is

to support Councils in implementing the Developmental Disabilities Assistance and Bill of Rights Act and in promoting the interests and rights of people with developmental disabilities and their families.

The mission of the National Association of the Deaf ("NAD") is to promote, protect, and preserve the rights and quality of life of deaf and hard of hearing individuals in the United States of America. Established in 1880, the NAD is the nation's oldest and largest nonprofit organization safeguarding the accessibility and civil rights of 28 million deaf and hard of hearing Americans across a broad range of areas including captioning, communication, education, employment, health care, security, technology, telecommunications, and transportation. The NAD is committed to ensuring that deaf and hard of hearing Americans have equal access to and an equal opportunity to participate in and benefit from travel, entertainment, and other services marketed, owned, operated, and/or conducted in the United States of America and its territories. Removal of communication barriers by providing reasonable accommodations, including auxiliary aids and services, is necessary to ensure access by individuals with sensory disabilities.